

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

JOHN DORN,

Plaintiff,

NO. 1:15-cv-359

v.

HON. PAUL L. MALONEY

MICHIGAN DEPARTMENT OF
CORRECTIONS, HARESH PANDYA,
JEFFREY STIEVE, THOMAS FINCO,
DANIEL HEYNS, BILL SCHUETTE,

Defendants.

Chris Emerson Davis (P52159)
Michigan Protection & Advocacy Service
Inc. (Lansing)
4095 Legacy Pkwy., Ste. 500
Lansing, MI 48911
(517) 487-1755
Fax: (517) 487-0827
Email: cdavis@mpas.org

Clifton B. Schneider (P70582)
Attorney for Defendants MDOC,
Pandya, Finco, Heyns, and Schuette
Michigan Dep't of Attorney General
Corrections Division
P.O. Box 30217
Lansing, MI 48909
(517) 335-7021
Email: schneiderc1@michigan.gov

**DEFENDANTS MICHIGAN DEPARTMENT OF CORRECTIONS, HARESH
PANDYA, THOMAS FINCO, DANIEL HEYNS, AND ATTORNEY GENERAL
BILL SCHUETTE'S MOTION TO DISMISS**

Defendants Michigan Department of Corrections, Haresh Pandya, Thomas Finco, Daniel Heyns, and Attorney General Bill Schuette, by counsel, pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6), move for dismissal of the claims against them. This motion is based on Federal Rules of Civil Procedure 12(b)(1) and (6) and other grounds as set forth in the accompanying brief. Defense counsel sought concurrence in this motion by telephone call and letter faxed to the plaintiff's

counsel on April 23, 2015, explaining the grounds for the motion. The plaintiff concurs in dismissal of the Americans with Disabilities Act and Rehabilitation Act claims against the defendants in their personal capacities. See argument 6. The plaintiff does not concur in the remainder of this motion.

RELIEF REQUESTED

The State Defendants respectfully request that the Court grant their motion to dismiss Plaintiff's Complaint with prejudice.

Bill Schuette
Attorney General

/s/ Clifton Schneider
Assistant Attorney General
Attorney for Defendants
Corrections Division
P.O. Box 30217
(517) 335-7021
SchneiderC1@michigan.gov
P70582

Dated: May 7, 2015

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing as well as via US Mail to all non-ECF participants.

/s/ Clifton Schneider
Assistant Attorney General
Attorney for Defendants
Corrections Division
P.O. Box 30217
(517) 335-7021
SchneiderC1@michigan.gov
P70582